THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date: 26-02-2007

WRIT PETITION No. 3633 OF 2007

BETWEEN:

TVK Abdullah

…Petitioner

And

The Regional Joint Commissioner, Multi Zone-1, Endowments Department, Kakinada, E.G.District and others.

…Respondents

ORDER:

The petitioner seeks a writ of mandamus directing the respondents not to evict the petitioner from the shop Nos.1 to 4 bearing Door No.26-28-10, belonging to Sri Kowthapoornananda Vilas Choultry, Vijaywada, Krishna District till the disposal of R.P.No.48 of 2007 on the file of the Regional Joint Commissioner, Endowments Department, Kakinada, E.G.District.

Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondents.

It is stated that lease has been granted in favour of the petitioner in respect of shop Nos.1 to 4 belonging to Sri Kowthapoornananda Vilas Choultry, Vijaywada, Krishna District. The founder Family Member of the said Choultry filed O.A.No.3 of 2004 on the file of the Deputy Commissioner, Endowments Department, Kakinada on the ground that the petitioner has inducted some third parties and he failed to pay the lease amount and that the lease has been expired. The said O.A., has been allowed, directing the petitioner to vacate and hand over the possession of the said choultry within 30

days from the date of receipt of the order in the said O.A. It is stated that aggrieved by the said order, the petitioner filed a revision in R.P.No.48 of 2007 on the file of the Regional Joint Commissioner, Endowments Department, Kakinada on 5-02-2007 along with an application to grant stay of the operation of the order in O.A.No.3 of 2004. It is stated that even before the said application is disposed of and during the pendency of the said revision, the respondents are taking steps to evict the petitioner.

I am not inclined to express any opinion in the merits of the case as admittedly, the revision is pending before the Regional Joint Commissioner, Endowments Department, Kakinada.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the first respondent to consider and dispose of the revision as expeditiously as possible and pending disposal of the revision, the petitioner shall not be dispossessed, subject to the condition of the petitioner deposits the entire arrears of lease amount in respect of shop Nos.1 to 4 of Sri Kowtha Poornananda Vilas Choultry, Vijayawada, within two weeks from to-day.

V.ESWARAIAH, J

Date: 26-02-2007.

Shr.